

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN KRUSE AND MARIE KRUSE,

Plaintiff,

v.

REGINA CAELI, INC, ET. AL.,

Defendant.

Case No. 16-10304

SENIOR UNITED STATES DISTRICT
JUDGE ARTHUR J. TARNOW

MAGISTRATE JUDGE R. STEVEN
WHALEN

**ORDER GRANTING DEFENDANTS LEAVE TO FILE A RESPONSE TO PLAINTIFF'S
SUPPLEMENTAL BRIEF [87]**

On August 30, 2016, Plaintiff filed a Supplemental Brief [83] in support of the pending Motion for Conditional Certification and Court-Supervised Notice [43]. Defendants filed on September 9, 2016 a Motion to Strike the Supplemental Brief, or, in the Alternative, Motion for Leave to File a Response to Plaintiff's Supplemental Brief [87].

The Court denies Defendants' request to strike the supplemental brief. While Plaintiff did not seek permission from the Court prior to the filing of the Supplemental Brief, the brief itself contains a revised proposed Notice based on information gained from discovery. This revised notice modifies the class

definition by excluding persons previously included in the prior notice. This is essential information for the pending Motion for Conditional Certification.

Therefore, Defendants' request to Strike the Supplemental Brief is denied.

The Court does grant Defendants' alternative Motion for Leave to File a Response to Plaintiff's Supplemental Brief. Defendants have until noon on September 13, 2016 to file a response to Plaintiff's Supplemental brief.

IT IS ORDERED that Defendants' Motion for Leave to File a Response to Plaintiff's Supplemental Brief [87] is **GRANTED**.

IT IS ORDERED that Defendants' Motion to Strike Plaintiff's Supplemental Brief [87] is **DENIED**.

SO ORDERED.

Dated: September 12, 2016

s/Arthur J. Tarnow
Arthur J. Tarnow
Senior United States District Judge